

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ingemar STARKE et al.	) Confirmation No.: <b>862</b> 0
Application No.: 10/546,005	) Group Art Unit: 1560
Filed: August 18, 2005	) Examiner: Unassigned
For: BENZOTHIAZEPINE AND BENZOTHIEPINE DERIVATIVES	) ) Date: August 4, 2006

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

# INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

### Citation of Technically Related U.S. Patent Applications

The Examiner's attention is directed to the following technically related U.S. patents or applications of Applicants' assignee:

Inventor	U.S. Serial No.	U.S. Patent No.	PCT Publication No.		
	Filing Date	Issue Date	PCT Publication Date		
Starke et al.	10/220,877	6,906,058	WO 01/66533		
	March 5, 2001	June 14, 2005	September 13, 2001		
Starke et al.	10/399,336		WO 02/32428		
	September 16, 2003		April 25, 2002		
Starke et al.	10/451,262		WO 02/50051		
	June 20, 2003		June 27, 2002		
Starke et al.	10/488,540		WO 03/020710		
	July 23, 2004		March 13, 2003		
Starke et al.	10/489,009		WO 03/022825		
	October 8, 2004		March 20, 2003		
Starke et al.	10/489,010		WO 03/022830		
	October 21, 2004		March 20, 2003		
Starke et al.	10/488,870		WO 03/022286		
	October 7, 2004		March 20, 2003		
Lindqvist	10/502,355		WO 03/061663		
	February 4, 2005		July 31, 2003		

Inventor	U.S. Serial No.	U.S. Patent No.	PCT Publication No.		
	Filing Date	Issue Date	PCT Publication Date		
Starke et al.	10/511,984		WO 03/091232		
	October 21, 2004		November 6, 2003		
Starke et al.	10/518,010		WO 03/106482		
	December 14, 2004		December 24, 2003		
Anderberg et al.	10/520,939		WO 2004/006899		
J	January 12, 2005		January 22, 2004		
Abrahamsson et al.	10/551,999		WO 2004/089350		
	October 4, 2005	_	October 21, 2004		

A copy of the specification and claims for each application, in the form of the published PCT application from which such application was filed is being filed herewith. Consideration of each listed application is earnestly solicited.

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants petition the Examiner to consider this Information Disclosure Statement and documents listed on the attached Form PTO-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced Application. Accordingly, Applicants do not believe a fee is due for filing this Information Disclosure Statement.

With the exception of a U.S. Patent and published U.S. Application, copies of the listed documents are attached. Applicants respectfully request that the Examiner initial and return the Form PTO-1449, indicating that the information has been considered and made of record herein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that the listed documents constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Attorney Docket No.: 056291-5211 Application No. 10/546,005

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Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully Submitted,

Morgan Lewis & Bockius LLP

Date:

August 4, 2006 Morgan Lewis & Bockius LLP

Customer No. 09629

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Tel. No.: 202-739-3000

By: Donald J. Bird

Registration No. 25,323

Tel. No.: (202) 739-5320 Fax No.: (202) 739-3001

## INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Attorney Docket No. 056291-5211-US

Application No. 10/546,005

Applicants: Ingemar STARKE at al. 6 0 4 2006

PTO Form 1449 August 4, 2006

Filing Date: August 18, 2005

DEMART YOUP Art Unit: 1560

#### U.S. PATENT DOCUMENTS

Initial		Document No.	Date	Name	Class	Sub-Class	Filing Date
	1.	US 2002142054	October 3, 2002	Marlett et al.	424	738	September 10, 2001
	2.	US 6,906,058	June 14, 2005	Starke et al.	514	211.1	March 5, 2001
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	Document No.	Date	Country	Class	Sub-Class	Translation
3.	EP 0372542	October 14, 1992	Europe			
4.	GB 2262888	July 24, 1996	United Kingdom			
5.	DE 19825804	August 24, 2000	Germany			Abstract
6.	WO 93/16055	August 19, 1993	WIPO			
7.	WO 94/18183	August 18, 1994	WIPO			
8.	WO 94/18184	August 18, 1994	WIPO			
 9.	WO 96/16051	May 30, 1996	WIPO			
10.	WO 98/38182	September 3, 1998	WIPO			
11.	WO 98/40375	September 17, 1998	WIPO			
12.	WO 99/01149	January 14, 1999	WIPO			
13.	WO 99/32478	July 1, 1999	WIPO			
14.	WO 99/35135	July 15, 1999	WIPO			
15.	WO 99/64409	December 16, 1999	WIPO			Abstract
16.	WO 99/64410	December 16, 1999	WIPO			Abstract
17.	WO 00/38725	July 6, 2000	WIPO			
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23.	WO 00/62810	October 26, 2000	WIPO			
24.	WO 01/60807	August 23, 2001	WIPO			
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26.	WO 01/68096	September 20, 2001	WIPO			
27.	WO 01/68637	September 20, 2001	WIPO			
28.	WO 02/32428	April 25, 2002	WIPO			
29.	WO 02/50051	June 27, 2002	WIPO			
30.	WO 03/020710	March 13, 2003	WIPO			
31.	WO 03/022286	March 20, 2003	WIPO			
32.	WO 03/022825	March 20, 2003	WIPO			
33.	WO 03/022830	March 20, 2003	WIPO			
34.	WO 03/061663	July 31, 2003	WIPO			

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

Date Considered Examiner

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION			Attorney Docket No. 056291-5211-US			Application No. 10/546,005				
(Use several sheets if necessary)			Applicants: Ingemar STARKE et al.							
		PTO Form 1449 August 4, 2006		]	Filing Date: August 18, 20	005	Group Art Unit: 1560			
			U.S. PA	TEN	T DOCUMENTS					
Initial		Document No.	Date		Name	Class	Sub-Class	Filing Date		
			FOREIGN	PAT	TENT DOCUMENTS					
		Document No.	Date		Country	Class	Sub-Class	Translation		
	35.	WO 03/091232	November 6, 200	3	WIPO					
	36.	WO 03/106482	December 24, 200	)3	WIPO					
	37.	WO 04/006899	January 22, 2004	1	WIPO	·				
	38.	WO 04/089350	October 21, 2004	4	WIPO					
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		atherosclerosis in rabb	its" Arteriosclerosis,	Thro	mbosis, and Vascular Bio	logy 18(8	3):1304-1311	(1998)		
	41.				nsity lipoprotein receptor l Clinical Investigation 92(2			s reversal by		
	42.	Plump et al. "Severe h	ypercholesterolemia	and a	therosclerosis in apolipop	rotein E-	deficient mic	ce created by		
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	43.	Schiller "Review artic (2001)	Schiller "Review article: the therapy of constipation" Alimentary Pharmacology and Therapeutics 15(6):749-763							
	44.	Sprong et al. "Dietary Calcium Phosphate Promotes Listeria monocytogenes Colonization and Translocation in Rats Fed Diets Containing Corn Oil but Not Milk Fat1" J. Nutrition (US) 132(6):1269-1274 (2002)								
	45.	Van Tilburg et al. "Na	Van Tilburg et al. "Na+-dependent bile acid transport in the ileum: the balance between diarrhea and constipation" Gastroenterology 98(1):25-32 (1989)							
	46.	Welberg et al. "Calciu	Welberg et al. "Calcium and the prevention of colon cancer" Scandinavian J. Gastroenterology Suppl. 188: 52-59							
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conformance and not considered. Include copy of this form with next communication to applicant.